IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4338 OF 2005

Shakir Rashid Tamboli ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Abhay Kumar Apte for the Applicant.
Ms. M. M. Deshmukh A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATED : JULY 12, 2005.

P.C.:

1. Heard Advocate for the Applicant and learned A.P.P. for the State. Offence has been registered against the Applicant and other co-accused punishable under section 302, 498-B read with section 34 of the Indian Penal Code and the sections 37(1) and 135 of the Bombay Police Act, 1951. The accused is the brother-in-law of the deceased The case of the prosecution is that the husband of the deceased, the brothers-in-law of the deceased and in-laws of the deceased were harassing the deceased as the dowry of sum of Rs.75,000/- was not paid. The specific allegation of assault on the deceased is only against her husband who is the brother of the Applicant. The learned A.P.P. has pointed out that one of the witnesses Mehboob Kasam Tamboli has named the Applicant, his brothers and parents as the persons who were constantly demanding dowry. The father has made

a very general allegation against the Applicant and other relatives. It is no in dispute that brothers of the Applicant namely Wasim and Nasir and Zakir have been ordered to be enlarged on bail. The learned A.P.P. has not disputed that except the witness Mehbood Kasam Tamboli nobody has alleged anything against the Applicant. It is thus obvious that the role allegedly played by the Applicant is no different from the role allegedly played by the three accused who are enlarged on bail. The Applicant has three minor children. Considering the facts of the case custodial interrogation will not be necessary. Hence, the Applicant is entitled to be enlarged on anticipatory bail.

2. Hence, I pass the following order:

: O R D E R :

i) In the event of the arrest of the Applicant in connection with C.R. NO.73 of 2005 of Pharaskhana Police Station, Pune ,the Applicant shall be enlarged on bail subject to furnishing P.R. Bond in the sum of Rs.20,000/- with one solvent surety in the like amount.

ii) The Bail is granted subject to condition that the Applicant will attend Pharaskhana Police Station, Pune on every Monday from 5.00 p.m. to 7.00 p.m. for a period of one month from today.

iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/Investigating Agency. The Applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will enure to the benefit of the Applicant only till the chargesheet is filed. Thereafter, he will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in the above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE